

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT MISSISSIPPI
SOUTHERN DIVISION

James Farrow

V

PLAINTIFF

CASE NO. 1:05cv326 LG-JMR

GEORGE PAYNE, JR., DIANE G. RILEY

WAYNE PAYNE, PHIL TAYOR AND

JOHN DOES

Defendants

AFFIDAVIT IN SUPPORT OF MOTION TO COMPEL

I James Farrow BEING Ouly SWORN DEPOSES SAY'S:

1) I AM THE PLAINTIFF IN THIS CASE. I MAKE THIS AFFIDAVIT IN SUPPORT OF MY MOTION TO COMPEL ~~DISCOVERY~~.

2) ON MAY 27, 2008 I SERVED ON THE DEFENDANTS COUNSEL A REQUEST FOR PRODUCTION OF DOCUMENTS AND INTERROGATORIES WHICH IS ATTACHED TO THIS AFFIDAVIT AS EXHIBIT 1 WHICH DEFENDANTS SAY WAS DUE ON JUNE 27, 2008.

3.) ON 12 DAY OF JUNE, 2008 DEFENDANTS FILED A MOTION FOR EXTENSION OF TIME TO CONDUCT DISCOVERY AND FILE DISPOSITIVE MOTION AND REQUESTED THAT THE COURT EXTEND THE DISCOVERY AND MOTION DEADLINE FOR AN ADDITIONAL SIXTY (60) DAYS, OR UNTIL AUGUST 14, 2008.

- 4.) I ASK DEFENDANTS COUNSEL FOR DISCOVERY ON TUESDAY THE 1 DAY OF JULY 2008 DAY OF DEPOSITION AND DEFENDANTS COUNSEL ASK FOR THREE MORE WEEKS
- 5.) ON JULY 21 PLAINTIFF CALLED DEFENDANTS COUNSEL ABOUT DISCOVERY BUT THEY REFUSED TO ACCEPT PLAINTIFF CALL.
- 6.) ON JULY 24, 2008 PLAINTIFF WROTE THE DEFENDANTS COUNSEL THAT PLAINTIFF SENT IN A MOTION TO COMPEL. EXHIBIT 2.
- 7.) DEFENDANTS COUNSEL HAVE FAILED TO RESPOND IN A TIMELY MANNER.
- 8.) PLAINTIFF HAVE LESS THAN A MONTH LEFT TO MAKE ANY DISCOVERY AND THERE COULD BE NO TIME TO FOLLOW UP ON INFORMATION THAT IS PRODUCED AT THIS TIME.
- 9.) DEFENDANTS COUNSEL HAVE NOT GIVEN ME ANY DOCUMENTS OR INTERROGATORIES.

SWORN TO BEFORE ME THIS
24 DAY OF JULY 2008

Alinda Clay
NOTARY PUBLIC

